

D. HOT PURSUIT

If you have probable cause to believe the person you are pursuing is armed and has just committed a serious crime, you may search the building in which he has taken refuge (or in which you are pursuing him) for the purpose of ensuring your own safety, the safety of the public and the prevention of escape. Please note this is a warrantless search and your authority is extremely limited.

HOT PURSUIT
SELECTED CASES

GRAY v State (Hot Pursuit of Fleeing Felon) bulletin no. 25. Police were in hot pursuit of a vehicle with suspected armed robbers. The vehicle stopped momentarily and several persons fled. Police maintained pursuit of the vehicle, which was subsequently stopped, and the driver was arrested. During a warrantless search of the vehicle, police found a purse on the front seat. They conducted a warrantless search of the purse and information contained within it lead to the identity and arrest of one of the suspects. The search was upheld.

STATE v SIFTSOFF (Hot Pursuit of "speeder" into Residence) bulletin no. 349. Police pursued a speeding vehicle. The driver stopped in a trailer park and began to walk into the trailer. The officer told the offender, who he recognized as Siftsoff, to not go into the trailer. Siftsoff went in any way. After calling for backup the officer entered the trailer and arrested Siftsoff who was later indicted for (1) felony failure to stop at the direction of a police officer; (2) misdemeanor reckless driving and; (3) misdemeanor driving under the influence. The Alaska State Court of Appeals ruled that this warrantless entry could not be justified as "hot pursuit" because there was little danger that Siftsoff could escape. There was no indication that he was armed and dangerous and that he would pose a threat to himself or anyone else, and that the officer had no probable cause to believe that Siftsoff had committed a "serious offense."

WARDEN v Hayden 387 US 294 (no bulletin). The court upheld the right of officers to conduct a warrantless search of premises in order to locate an armed suspected felon who had entered the house moments before the officers arrived. Subsequent protective search, which produced the gun and other evidence, was also upheld on "plain view" theory.